

FILED

IN THE UNITED STATES DISTRICT COURT FOR FEB 11 2010

THE WESTERN DISTRICT OF OKLAHOMA

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY Wh DEPUTY

TOMAS NOEL GUEVARA,

Petitioner,

vs.

DAVID MILLER,

Respondent.

No. CIV-10-27-W

ORDER

On January 19, 2010, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this matter, and she made certain findings and recommendations regarding the payment of the filing fee of \$5.00 by petitioner Tomas Noel Guevara and the consequences of his failure to do so. Guevara was advised of his right to object to the Report and Recommendation, but no objections have been filed within the time allotted.

Upon review of the record, the Court concurs with Magistrate Judge Roberts' finding that Guevara has sufficient funds to prepay the filing fee in full and likewise agrees with her suggested disposition of Guevara's request to proceed without prepayment of the filing fee.

According, the Court


(1) ADOPTS the Report and Recommendation [Doc. 5] filed on January 19, 2010;

(2) DENIES Guevara's Application to Proceed Without Prepayment of Fees [Doc. 2] file-stamped January 7, 2010;

(3) ORDERS Guevara to pay the filing fee of \$5.00 in its entirety to the Clerk of the Court within twenty (20) days of the date of this Order or show good cause why he cannot do so; and

(4) ADVISES Guevara that if he does not comply with this Order and pay the filing fee of \$5.00 in full or show good cause for his failure to do so within twenty (20) days, this action will be dismissed without prejudice to refiling.

ENTERED this 11th day of February, 2010.


LEE R. WEST
UNITED STATES DISTRICT JUDGE